

REMARKS

This Response is in reply to the Office Action mailed on March 7, 2006. Claims 1 and 2 are pending and claim 1 has been amended herein. Support for the amendment to claim 1 can be found in the Figures. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

OBJECTION TO THE DRAWINGS

The drawings stand objected to for purportedly failing to show the armrest arcuately extending from the seat. This objection is respectfully traversed. Examiner's attention is directed to Fig. 1 which clearly shows the armrest extending in an arc from the side portion of the seat, as opposed to the backrest. Accordingly, Examiner's objection should be withdrawn.

REJECTION BASED ON 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1 and 2 stand rejected because the recitation "armrests arcuately extend from said seat" purportedly represents new matter. The rejection is respectfully traversed. The specification describes an embodiment of the present invention. However, the figures and the specification support the recitation that the armrests arcuately extend from the seat. The figures show the armrests extending from the sides of the seat portion. There is, therefore, sufficient support for claiming that the armrests extend from the seat; the side of the seat constituting a portion of the seat. Accordingly, it is respectfully requested that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1 and 2 stand rejected over Chou et al. (U.S. pat. no. 6,257,668). It is respectfully submitted that the rejection has been overcome.

One of the major advantages of the present invention is that the armrest in its vertical position will not increase the amount of space required for the seat, nor will it limit the space of the person sitting in the seat. This is achieved by the construction of the claimed invention. Specifically, the armrest arcuately extends in a forward direction from the seat so that, in its vertical position, the armrest will not protrude past the front of the backrest, nor will it protrude past the front of the seat. Claim 1 as presently amended more clearly recites these features.

In contradistinction, the Chou reference does not disclose the armrest extending in a forward direction. Accordingly, when in the vertical position, the armrest of Chou continues to protrude frontally beyond the backrest and the seat. The armrest of Chou does not present the benefits of the claimed invention because, when in the vertical position, the armrest of Chou would require additional room beyond the seat and it would limit the space of a person sitting in the seat.

In the first Office Action of the prosecution of this application, dated April 6, 2004, the Examiner stated that claim 5 would be allowable over Chou. Claim 5, now cancelled, recited "a backrest, wherein said at least one armrest, in its substantially vertical position, does not protrude frontally from said backrest." Claim 5 was subsequently cancelled and its limitations incorporated into independent claim 1. The limitation in question was properly construed at the time and was distinguished from the teachings of Chou. However, for the sake of clarity, claim 1 has been amended herein to more clearly recite the claimed invention.

In view of the amendments to claim 1 and the arguments presented above, Examiner is respectfully requested to withdraw the rejection. Furthermore, for at least the reason of its dependence from claim 1, claim 2 is also patentable.

CONCLUSION

In view of the amendments to claim1 made herein and the arguments presented above, it is submitted that the Examiner's objection and rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response is being timely filed. In the event that any other extensions and/or fees are required for the entry of this Amendment, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-2820 in the name of Wolf, Block, Schorr & Solis-Cohen LLP. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
WOLF, BLOCK, SCHORR & SOLIS-COHEN
LLP.

By: 
Noam R. Pollack
Reg. No. 56,829

Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue, 10th Floor
New York, New York 10177
(212) 986-1116